

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on January 15, 2001
at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Darrel Adams (R)

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJ 3, HB 75, HB 78, 1/15/01
Executive Action:

Chairman Roger Somerville introduced **Barry "Spook" Stang** with the Montana Motor Carriers Association. **Mr. Stang** handed out a packet with information on the Montana Trucking Industry.

EXHIBIT(trh11a01) **Mr. Stang** said this packet includes updated information with statistics which may be helpful. This packet contains configurations of vehicles which are allowed on the highways of the United States and Montana. Also contained in the packet is information on bridge formula weights.

{Tape : 1; Side : A; Approx. Time Counter : 8.0}

Chairman Roger Somerville went over House Transportation Committee Rules on Hearing Procedures.

Hearing on HB 75

Sponsor: Rep. Edith Clark, HD 88, Sweetgrass.

Proponents: Deputy Mark Pattison

Opponents: none

OPENING STATEMENT BY SPONSOR:

Rep. Edith Clark, HD 88, Sweetgrass, introduced HB 75. She stated that this bill is a safety issue and perhaps a preventive measure. **Ms. Clark** stated that Montana currently has a law which makes it illegal to allow an unauthorized minor to drive and she feels this needs to be expanded to any unlicensed, unauthorized driver.

{Tape : 1; Side : A; Approx. Time Counter : 13.5}

Proponents Testimony:

Deputy Mark Pattison stated that an unauthorized driver is anyone who does not have a valid driver's license, an unauthorized person is someone who has had their license suspended or revoked. **Mr. Pattison** handed out **EXHIBIT(trh11a02)** The State of Washington law which states, it is Unlawful to allow an unauthorized minor child or ward to drive, and unlawful to allow an unauthorized person to drive. **Mr. Pattison** explained this bill would allow him to cite the person allowing an unauthorized person to drive their vehicle.

Opponents: none.

Questions from the Committee Members and Responses:

Rep. Hedges asked **Ms. Clark** what parts one through three say in general? **Ms. Clark** said she did not have parts one through three of this chapter. **Chairman Somerville** said we will let **Leanne Kurtz** explain this. **Ms. Kurtz** said part one is the general driver's licensing provisions, what allows you to get your driver's license, revoking a driver's license. Part two is revocations, suspension or cancellation of licenses. Part three is miscellaneous provisions, anatomical gift on your driver's license, unlawful use of a license, making false affidavit, renting a motor vehicle to another.

{Tape : 1; Side : A; Approx. Time Counter : 21.5}

Rep. Gallik asked **Mr. Pattison** how will you enforce this, how will you know that someone has knowingly violated parts one through three? **Mr. Pattison** said he would take the unauthorized person home, and let the owner of the vehicle know they are unauthorized to drive. **Rep. Gallik** asked **Mr. Pattison** line thirteen of section one indicates that the person shouldn't be on any highway, is that a limiting factor and does highway include all of our public roads? **Mr. Pattison** said yes. **Chairman Somerville** asked **Leanne Kurtz** to define highway. **Ms. Kurtz** said highway road and street whether the terms appear together or separately, or preceded by the adjective public, are general terms denoting a public way for purposes of vehicular travel and include the entire area within the right of way.

Rep. Balyeat asked **Deputy Pattison** is knowing and permission two different issues and would they be in violation of this statute? **Deputy Pattison** explained no they are not in violation. **Rep. Balyeat** asked **Deputy Pattison** what is the penalty if you violate this statute? **Deputy Pattison** explained the penalty in the State of Washington is a misdemeanor. **Chairman Somerville** said to have **Leanne Kurtz** answer that question. **Leanne Kurtz** said 61-5-307 is a misdemeanor, penalty for violating the provisions of parts one through three is a misdemeanor which is not more than five hundred dollars or imprisonment for not more than six months or both.

{Tape : 1; Side : A; Approx. Time Counter : 29.4}

Rep. Price to **Deputy Pattison** this doesn't eliminate the fact that people driving without a license are still ticketed for driving without a license. **Deputy Pattison** explained the person driving without a license will certainly be cited.

{Tape : 1; Side : B; Approx. Time Counter : 0.3}

Rep. Waitschies asked **Ms. Clark** if she checked into the legality of making someone responsible for someone else's misdemeanor's? **Ms. Clark** replied no.

Rep. Bookout-Reinicke asked **Ms. Clark** if she would be opposed to an amendment that would leave the minor and ward our children statue exactly the way it is and add the statute that Washington has relating to today's bill? **Ms. Clark** replied no, she would not oppose that.

{Tape : 1; Side : B; Approx. Time Counter : 1.7}

Rep. Somerville asked **Deputy Pattison** what type of individual is driving with a suspended or revoked driver's license? **Deputy Pattison** explained generally a person has had some kind of problem with alcohol, or has DUI's, refusing breath tests, things like that.

Closing by Sponsor:

Rep. Edith Clark stated that this extension of the law will help law enforcement personnel keep our streets and highways safer. She requested a do pass on the recommendation for amendments of this bill.

Hearing on HB 78

Sponsor: Rep. Edith Clark, HD 88, Sweetgrass.

Proponents: Jim Jacobson, Administrator of Montana Veteran Affairs Division; General Emil P. Eschenburg, Chairman of Purple Heart Committee; Herb Ballou, Purple Heart Committee; John Denherder, DAV; Mike Hankins, President of the local association of Vietnam Veterans of America; Hal Manson, American Legion of MT.; Dan Antonietti, State Legislative Chairman for Veterans of Foreign Wars of the United States.

Opponents: none

OPENING STATEMENT BY SPONSOR:

Rep. Edith Clark, Sweetgrass, introduced HB 78. This bill simply clarifies provisions so that a 100% disabled veteran, who is also a purple heart veteran, will clearly be eligible to register one passenger vehicle for five dollars and to obtain one set of

license plates with any one of the military decals that the veteran is eligible for.

Proponents Testimony:

Jim Jacobson said he supports HB 78 as written.

Herb Ballou stated the Purple Heart Committee wants an amendment for this bill. **EXHIBIT(trh11a03)**

General Emil P. Eschenburg, Chairman of the Purple Heart Committee, said people in the Purple Heart society are justified in getting license plates under the condition proposed in this memorandum.

John Denherder, DAV, said we treat the purple heart veterans the same as a hundred percent service connected disabled veteran with respect to the vehicle registration fee, which is five dollars and payments are the special fee which is ten dollars for the purple heart decal, which goes to the veterans cemetery for ten dollars. **Exhibit(3)**

{Tape : 1; Side : B; Approx. Time Counter : 17.4}

Mike Hankins said he wants to be treated with the same courtesy and consideration and legislative protection that all the other veterans have in the DAV.

Hal Manson said the American Legion will support this bill.

Dan Antonietti said he is not a purple heart and wanted to respectfully urge your consideration on passing this bill.

{Tape : 1; Side : B; Approx. Time Counter : 21.8}

Informational Witness:

Dean Roberts, Administrator of Motor Vehicle Division, said the number of registered vehicles in the year 2000, there were 1188 Disabled Veteran plates issued last year. Also there was 125 ex POW Plates issued, and 708 Purple Heart plates issued.

Questions from the Committee Members and Responses:

Rep. Balyeat asked **Rep. Clark** if she concurred with the amendment for the Purple Heart Veterans? **Rep. Clark** replied she did not object to the amendment.

Rep. Balyeat asked **Rep. Clark** if she knew what the fiscal note would be for the amendment? **Rep. Clark** replied she assumes that it would be more than the fiscal note that's on the bill now. **Chairman Somerville** said to refer that question to **Mr. Roberts**. **Mr. Roberts** said there are about 708 Purple Heart Veterans and it would be about \$150-\$200 per vehicle.

{Tape : 1; Side : B; Approx. Time Counter : 27.5}

Chairman Somerville asked **Mr. Jacobson** if he had previously seen the amendments? **Mr. Jacobson** said no. **Chairman Somerville** asked **Mr. Jacobson** to explain the \$10 fee that goes to the veteran's cemetery. **Mr. Jacobson** said \$6 dollars of that fee goes to the cemetery program, and the other \$4 dollars is split between the county and the general fund of the state to offset administrative costs.

{Tape : 2; Side : A; Approx. Time Counter : 0.3}

Closing by Sponsor:

Rep. Clark closed on HB 78. The purpose of this original bill was to clarify some existing laws relating to veteran's license plates.

Hearing on HJR 3

Sponsor: **Rep. Michelle Lee, HD 26, Livingston, MT.**

Proponents: **Patty Keebler, AFLCIO; Russ Ritter, Montana Rail Link; Gary Winslow, retired from railroad.**

Opponents: none.

OPENING STATEMENT BY SPONSOR:

Rep. Lee, HD 26, Livingston, introduced HJR 3. She said HJR 3 from the Senate and House of Representatives of the State of Montana urges support for an Amtrak route from Spokane to Denver that passes through Southern and Western Montana. See map **EXHIBIT(trh11a05)** and resolutions **EXHIBIT(trh11a04)** **EXHIBIT(trh11a06)** **EXHIBIT(trh11a07)** **EXHIBIT(trh11a08)** .

Proponents Testimony:

Patty Keebler, AFLCIO, said the addition of this Amtrak route would bring good paying jobs to Montana as well as provide an alternative means of travel for their families.

Russ Ritter, Montana Rail Link, supports in general the concept which has been introduced today. He said this will be very helpful and obviously University students would be one of the organizations that would be using it. He said they will work with individuals who are promoting this particular means of transportation.

{Tape : 2; Side : A; Approx. Time Counter : 10.5}

Gary Winslow, retired from the railroad, said it would be a big benefit for people of Southern Montana.

Informational Witnesses:

Pat Saindon, Administrator of Planning Division for Rail Transit for Department of Transportation, said she is available for any questions regarding DOT.

Pat Keim, Gov. Affairs for Burlington Northern Santa Fe Railway, said he is available for any questions regarding BNSF.

Questions from the Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 12.2}

Rep. Gallik asked **Rep. Lee** has there been any discussion with the Governor with regard to the attempt to reach an agreement with the rail passenger service act pursuant to MCA 60-11-201, that allows the Governor's authorized representatives to negotiate with the proper authority. **Rep. Lee** said yes there have been conversations with the Governor's office as it pertains to the southern Amtrak route act. Nothing official has come out of that yet. **Rep. Gallik** asked **Rep. Lee** if she anticipated that this resolution would be something that would request our Governor to negotiate for a southern Amtrak route pursuant to the rail passenger service act. **Rep. Lee** said the SARA act is a separate piece of legislation.

Rep. Gallus asked **Mr. Ritter** if Butte is on the map of the potential route? **Mr. Ritter** said they have not looked into it to that extent, but it would be advantageous to do that, because it would be one way that freight traffic could be routed and scheduling could be much better for the passengers side of it. This would have to be worked out in the final details.

Rep. Balyeat said to **Rep. Lee** the resolution says that the Senate and House of Representatives of the State of Montana are urging support for Amtrak. "I'm not quite sure on what kind of support.

Support from whom and what kind of support"? **Rep. Lee** said both moral and financial support.

Rep. Keane asked **Mr. Ritter** if the east track leaving Butte is used now. **Mr. Ritter** said yes, but there is a portion in there that Burlington Northern Santa Fe owns. **Pat Keim** said to **Rep. Keane** the tail portion has been unused for many years.

{Tape : 2; Side : A; Approx. Time Counter : 21.5}

Rep. Mathews asked **Mr. Keim** what was the route between Billings, Miles City, Glendive and Dickenson? **Mr. Keim** said that was called the Southern Route at that time in Montana. **Rep. Mathews** asked if there was ever a route between Denver and Billings? **Mr. Keim** said prior to Amtrak he doesn't know if that was in place prior to 1972.

Rep. Balyeat asked **Mr. Ritter** if he could give some information comparing passenger railroad travel and bus travel. **Mr. Ritter** said he does not have that information at this time, but he could get the information. **Mr. Keim** said to **Rep. Balyeat** he doesn't know the cost, but generally speaking they could keep up with time in most instances.

Rep. Balyeat asked **Mr. Ritter** if the southern Amtrak route comes in, who's going to pay for it? **Mr. Ritter** said Amtrak today is subsidized throughout the country. The taxpayers of the State of Montana as well (as the nation) subsidizing anything like this, would be the payer.

Rep. Balyeat asked **Rep. Laszloffy, Laurel**, is he is a proponent for this resolution? **Rep. Laszloffy** said yes, and he would like to give his perspective on express cars. These cars attached to Amtrak to bring in produce on a more consistent basis, and more timely basis, and a more cost effective basis for the people in Laurel and Billings areas.

{Tape : 2; Side : B; Approx. Time Counter : 0.3}

Rep. Somerville asked **Rep. Lee** what is the definition of a "Westerner" in Line 20? **Rep. Lee** replied it would go along with the lines of how you define the quality of life, Westerner is a broad term, it is supposed to encompass the romance of the West.

Rep. Bookout-Reinicke asked **Mr. Keim** if the Federal regulations on the quality of the rails is higher for passenger rails than freight. **Mr. Keim** said it depends on the speeds that are operated on that line, if there are faster speeds, there will be

different standards such as higher rails and the spacing of the ties.

{Tape : 2; Side : B; Approx. Time Counter : 9.6}

Rep. Bookout-Reinicke asked **Mr. Keim** if the Public Service Commission has some responsibilities for inspecting rails? **Mr. Keim** said there is provision in Montana law for the PSC to do such inspections. They have not had an inspector for several years, and the reason is they can only inspect to the Federal standards and only write reports to the Federal standards.

Chairman Somerville asked **Mr. Keim** if the PSC inspects for the fairness of fares or track safety. **Mr. Keim** said only track safety.

{Tape : 2; Side : B; Approx. Time Counter : 12.7}

Closing by Sponsor:

Rep. Lee closed on HJR 3. She said HJR 3 from the Senate and House of Representatives of the State of Montana urges support for a Amtrak route from Spokane that passes through Southern and Western Montana.

ADJOURNMENT

Adjournment: 4:45 P.M.

REP. ROGER SOMERVILLE, Chairman

DONNA HUFFMAN, Secretary

RS/DH

EXHIBIT (trh11aad)